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Docket No.: 30004713-02 US (1509-252)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Andrew THOMAS et al.

U.S. Patent Application No. 10/005,909

Filed: December 7, 2001

Confirmation No. 7180

Group Art Unit: 2626

Examiner: Brian Louis ALBERTALLI

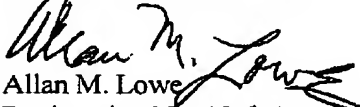
For: VOICE SERVICE SYSTEM AND METHOD FOR MASKING AN OPERATOR'S
VOICERESPONSE TO NOTIFICATION ON NON-COMPLIANT APPEAL BRIEFCommissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Appellants respond to the July 13, 2006 letter from the U.S. Patent and Trademark Office by submitting an Amended Reply Brief that does not indicate claim 25 is canceled, but that concedes claim 25 is properly rejected under 35 U.S.C. 112, ¶1.

Respectfully submitted,

Andrew THOMAS et al.


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Docket No. 30004713-02 US (1509-252)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	Confirmation No. 7180
Andrew THOMAS et al.	Group Art Unit: 2655
Serial No. 10/005,909	Examiner: B. Albertalli
Filed: December 7, 2001	
For: VOICE SERVICE SYSTEM AND METHOD FOR MASKING AN OPERATOR'S VOICE	

AMENDED REPLY BRIEF

MailStop POBA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. Appellants' submit this Reply Brief to the Examiner's Answer because the Examiner's Answer relies on a different rationale to argue that Polcyn anticipates the subject matter of claims 1-4, 7-12, 15-18 and 20-22 from that set forth in the Final Rejection.

Item B, page 4 of the Examiner's Answer, incorrectly states claims 1-4, 7-12, 15-18 and 20-22 are rejected as stated in the Final Office Action mailed June 9, 2005. In fact, page 3, first full sentence of the Final Rejection states: "The commands must *inherently* be synthesized into voice in order to be presented to the user on the telephone." (Emphasis added) Further, the second sentence of the last full paragraph on page 6 of the Final Rejection states: "The data

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entered through agent terminal 15 by the operator, therefore, must *inherently* be text messages.” (Emphasis added) In contrast, page 9, second full paragraph of the Examiner’s Answer in discussing claim 8, states “. . . Polcyn meets the requirements of claim 8, thus the arguments regarding inherency are considered moot.” In other words, in the Final Rejection, the Examiner relied on inherency, but is no longer relying on inherency. Hence the Examiner’s Answer incorrectly states, in the last two sentences on page 6:

The Applicant has incorrectly alleged that inherency was relied on in the rejection of claim 1. The Examiner maintains that Polcyn meets the requirement of claim 1, thus the arguments regarding inherency are considered moot.

The grounds of rejection have also been changed, because different portions of Polcyn are relied on in the Examiner’s Answer, compared to the portions of Polcyn relied on in the Final Rejection. In particular, the Examiner’s Answer relies on column 4, lines 1-18, and column 4, lines 36-40. There is no mention of these portions of Polcyn in the Final Rejection. Pages 2 and 3 of the Final Rejection rely on column 3, lines 54-58, as well as column 6, lines 24-31 of Polcyn. These portions of Polcyn are not relied on in the Examiner’s Answer.

II. Argument

A. Response to Examiner’s Interpretation of Claim 1

Page 7 of the Examiner’s Answer correctly states that a “masking arrangement” as set forth in claim 1, for example, is broad enough to enable an operator to provide an input through voice commands, keyboard commands and other types of commands that are presented to a caller in a manner that is not the operator speaking directly with the caller. For example, claim 4, dependent upon claim 1, requires the text messages to be entered by a keyboard.

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The Examiner has not properly interpreted, or has ignored the requirement of claim 1 for an operator subsystem by which a human operator can verbally interact with a caller by giving appropriate responses regardless of predetermined responses available to a voice response unit, wherein the verbal interaction between the operator and the caller is done through a synthesized voice to mask from the caller that the caller is talking to a human operator. Claim 8 includes similar limitations, but requires a voice service system to have a masking means for causing operator verbal interaction with a caller to be done through a synthesized voice to mask from the caller that the caller is now talking to a human operator. Claim 9 includes a similar limitation by requiring the operator's verbal interaction with a caller to give appropriate responses regardless of the predetermined responses available to the voice response unit, wherein the appropriate responses are through a synthesized voice to mask from the caller that the caller is talking to a human operator. Claim 15 requires a verbal interaction between the caller and a human operator, wherein the verbal interaction is unrestricted by a range of responses available for output by a voice response unit, and is done through a synthesized voice to mask from the caller that the caller is talking to a human operator. Claim 22 requires the human operator to respond with speech utterances that are synthesized to the caller so the synthesized speech utterances appear to caller to be from the same source as a first predetermined synthesized speech message that a called station responds to a caller. Claim 22 is broad enough to require the synthesized speech utterances to be from the actual voice of an operator (as required by claim 24), or from a recorded audio source.

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B. The Examiner misinterprets Polcyn and ignores Polcyn's statement indicating there is a direct conversation between the operator and the caller, without intervention of a synthesizer.

Consideration of Polcyn indicates the Examiner has not interpreted it correctly. In Polcyn, if location 12-N is unable, through the use of recorder 103-N, to complete a call originated by a caller at phone 16-N, the call is routed to large vocabulary voice recognition system 30, illustrated in detail in Figure 3. If large vocabulary voice recognition system 30 is also unable to recognize what the caller at phone 16-N said, a recording of the message from the user of phone 16-N that is recorded by recorder 103-N is transferred to a live operator who operates telephone 14 and computer 15; Polcyn, column 4, lines 37-41. If the operator who is manning phone 14 is able to recognize and understand what the user of phone 16-N said, he enters information into system 30 by using computer terminal 15. System 30 then returns a response to call director 102-N, with instructions on how the call should be handled; Polcyn, column 4, lines 43-47. There is nothing in Polcyn to indicate what these instructions are. Clearly, there is no statement that the instructions amount to requirements of the independent claims, as set forth in Section II, A of this Brief.

If the live operator of telephone 14 could not understand what the caller at phone 16-N said, the operator has the option of passing unique messages to call director 102-N via system 30. The only thing that Polcyn tells us about these unique messages is that they could instruct call director 102-N to perform additional functions, such as re-prompting the caller to speak, or initiating some additional or predetermined dialogue with the caller; Polcyn, column 4, lines 52-55. This vague statement does not necessarily mean that the words that were keyboarded by the

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operator of phone 14 were transmitted back to the caller at phone 16 through a synthesized voice. Polcyn has no disclosure of a synthesizer at location 12-N for causing a verbal interaction between the live operator of telephone 14 and the caller who uses telephone 16-N. Reference to a "predetermined dialogue" appears to mean a specific dialogue that is recorded at location 12-N, and is transmitted back to the user of phone 16-N. The term "additional dialogue" appears to mean a dialogue sequence that is programmed into call director 102-N and selected by the operator of a phone 14. The statement that there is an initiation of additional or predetermined dialogue with the caller appears to refer to the act of passing the call to the operator, as discussed in column 4, lines 55-59.

Column 4, lines 54-59 indicates the operator at phone 14 can speak directly with the caller who used phone 16-N. If Polcyn had intended to synthesize the voice of operator 14, to prevent the caller who used phone 16-N from realizing he/she was not speaking to a real person, Polcyn would not have indicated that the call from the caller could be routed directly to the operator, for conversation between the operator and caller.

The reliance by the Examiner on Polcyn for the features of Appellants' independent claims would not have been gleaned by one of ordinary skill in the art from a reading of Polcyn. The Examiner's interpretation of Polcyn results from Appellants' disclosure. There is simply nothing in Polcyn to indicate keyboarding by the operator of phone 14 results in the structure and methods recited by Appellants' independent claims.

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C. Polcyn and Cecys do not render claim 24 obvious.

Claim 24 requires the synthesized speech utterances of claim 22 to be from the actual voice utterance of the operator. There is nothing in Polcyn indicating the voice of the operator of phone 14 is to be synthesized. The implication from column 4, lines 55-59 is that if the operator using phone 14 and the caller using phone 16-N have a dialogue, the dialogue is direct, without going through a synthesizer.

The Final Rejection, at pages 15 and 16, states it would have been obvious to one of ordinary skill in the art to have modified Polcyn to synthesize speech utterances from operator 14 to provide a higher quality synthesized speech sound, as disclosed by Cecys, column 5, lines 41-46. However, Cecys is only concerned with synthesizing a voice for future use. There is no disclosure of synthesizing a voice in connection with an actual conversation between two parties, such as between the operator who is using telephone 14 and the caller using telephone 16-N of Polcyn. Further, the advantage set forth in column 5, lines 43-46 of Cecys is concerned with using multiple voice sources having different spectral qualities to provide a higher quality synthesized speech sound. Because the operator using phone 14 can only be considered a single voice source, the advantage set forth by Cecys in column 5, lines 43-46 is not applicable to Polcyn. Based on the foregoing, the combination of Polcyn and Cecys to reject claim 24 is wrong.

Appellants concede that claim 25 is properly rejected under 37 U.S.C. 112, ¶ 1.

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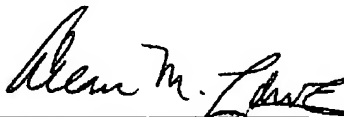
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VI. Conclusion

Based on the foregoing, the Final Rejection of Claims 1-4, 7-12, 15-18, 20-22 and 24 is wrong and must be reversed.

Respectfully submitted,
Andrew THOMAS et al.

By:


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